

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1630 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAJNIKANT C BHATT

Versus

STATE OF RAJASTHAN

Appearance:

PARTY-IN-PERSON for Petitioner

MR ND GOHIL, APP for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 24/01/97

ORAL JUDGEMENT

1. Heard the petitioner, a party in person who is present in the Court and Mr. N.D. Gohil, Ld. A.P.P. for the State.

2. In this petition the prisoner has prayed for himself being released from the jail on the ground that he has undergone the sentence if the period of sentence is properly worked out after considering the remissions available to him. On ascertaining the facts from the prisoner, the party-in-person, it clearly appears that he

is transferee prisoner undergoing sentence by virtue of the fact that he was sentenced by the learned District and Sessions Judge in Sessions Case No. 10 of 1977 decided by the concerned Court in the State of Rajasthan. The petitioner had taken the matter in appeal before the Rajasthan High Court in its Bench at Jodhpur and the said High Court dismissed the appeal. It is the say of the petitioner that he is entitled to be released by virtue of provisions contained in sec. 432-C of the Code of Criminal Procedure.

3. Having heard the petitioner and the learned A.P.P. for the respondents, I am of the opinion that the petitioner is required to make an appropriate application before the concerned Court at Rajasthan.

4. In order to engage the petitioner to move an appropriate application before the concerned Court at Rajasthan including the Rajasthan High Court, the interim relief which has been granted in this petition is extended till upto 28/2/1997. If the petitioner is not in a position to get any order from the said Court, he will have to report back before the Jail Authorities in Gujarat on 1/3/1997.

Subject to what is stated above, rule is discharged.

Certified copy of this order be supplied to the petitioner, who is party-in-person, free of cost.

* * * * *